

Exhibit RTD-21

Testimony of Barbara Barrigan-Parrilla



Outline

- Environmental Justice (EJ) requirements and the public interest
- Petitioners' EJ public outreach efforts
- Delta EJ communities
 - Beneficial water uses;
 - Other forms of distress
- Prospects for and threats to Stockton's growth
- Risks to subsistence fishing

EJ Policies

- Federal environmental justice policy and the public interest
 - Public interest in the Water Code
 - Title VI of Civil Rights Act of 1964
 - Executive Order 12898 (1994)
 - US Department of Interior EJ Strategic Plan

EJ Policies

California Anti-Discrimination and EJ Policy

- Government Code Section 65040.12(e)
- Government Code Section 11135(a)

EJ Policies

Argument

- Disproportionate impacts of Petition Facilities and their operations to minority, low-income, and tribal communities, and communities facing language barriers should be fully mitigated or avoided.
- “Addressing” impacts on human health and environmental effects on EJ communities must be substantive and not simply window dressing.

Public Outreach

- Poor record of outreach by Petitioners in the environmental review process to date.
- Early intentions 2007
- Public workshops in Delta communities 2009 - not with EJ communities
- DWR EJ Communities Survey of 2010

Public Outreach

- Environmental review documentation scanty
 - Draft BDCP EIR/EIS 2013
 - Recirculated Draft EIR/Supplemental Draft EIS 2015
 - 2015 CWF translations of PR materials
- **Conclusion: Petitioners failed to carry out robust and inclusive public outreach effort for BDCP and California WaterFix.**

Who & Where

Many Delta residents are people of color.

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**Environmental Justice Communities of San Joaquin County
Relative to United States Population by Race and Hispanic or Latino Ethnicity (of any race)**

	United States	San Joaquin County	City of Lathrop	City of Manteca	City of Stockton	City of Tracy
Total Population	303,965,272	701,050	19,163	70,693	297,223	84,573
White	76.1%	63.9%	55.7%	74.8%	50.1%	66.6%
Black or African American	13.4%	9%	10.5%	4.7%	14.1%	8.6%
American Indian and Alaska Native	1.6%	3.8%	3.2%	2.2%	3.3%	3.1%
Asian	5.3%	17.3%	23.3%	9.8%	24.4%	18.8%
Native Hawaiian and Other Pacific Islander	0.3%	1.5%	2.2%	1.5%	1.4%	2.5%
Some other race	6%	12.8%	14%	13.5%	14.5%	11.5%
Hispanic or Latino (of any race)	15.7%	39.7%	43.1%	39.9%	41.3%	39%

Source: U.S. Census, American Community Survey, 2010-2014, Table DP-05. Shaded cells indicate race or ethnic groups that have population shares greater than that of either the United States or San Joaquin County.

Who & Where

Many Delta region residents are low-income and impoverished, particularly in San Joaquin County.

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PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL
San Joaquin County

	United States	San Joaquin County	City of Lathrop	City of Manteca	City of Stockton	City of Tracy
All families	11.5%	15.3%	9.4%	9.2%	21.4%	7.2%
With related children under 18 years	18.1%	22%	10.8%	13.8%	29.5%	9.6%
With related children under 5 years only	18.6%	22.8%	10.8%	16.5%	30.1%	7.2%
All people	15.6%	19.4%	11.3%	11.6%	25.8%	9.7%
Under 18 years	21.9%	26.4%	13.4%	14%	35.3%	12.5%
18 years and over	13.6%	16.6%	10.3%	10.7%	21.8%	8.4%
18 to 64 years	14.6%	17.8%	10.5%	11.5%	23.4%	8.5%
65 years and over	9.4%	10%	8.3%	6%	12.9%	7.7%

Source: American Community Survey, 2010-2014, Table DP02. Shaded cells indicate categories of poverty which are greater than that of either the United States or San Joaquin County.

Who & Where

Many Delta residents face isolating language barriers.

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LANGUAGE SPOKEN AT HOME Contra Costa County									
	United States	Contra Costa County	City of Antioch	City of Pittsburg	Bethel Island	City of Brentwood	Byron	Discovery Bay	City of Oakley
Population 5 years and over	283,833,852	1,015,684	99,215	61,179	2,100	50,830	1,233	13,457	34,928
English only	79.9%	66.5%	67%	50.9%	92.4%	77.2%	66.7%	88.8%	68.7%
Language other than English	20.1%	33.5%	33%	49.1%	7.6%	22.8%	33.3%	11.2%	31.3%
Speak English less than "very well"	8.7%	13.6%	12.1%	22.3%	0%	7.7%	10.3%	3.4%	11.7%
Spanish	12.5%	17.5%	20.2%	32.7%	7.1%	13.7%	33.3%	5.6%	22.9%
Speak English less than "very well"	5.8%	7.7%	7.8%	15.6%	0%	4.7%	10.3%	1.8%	9%
Other Indo-European languages	3.7%	5.6%	4%	4.4%	0.5%	3.9%	0%	2.3%	2.3%
Speak English less than "very well"	1.2%	1.6%	1.1%	1.5%	0%	0.8%	0%	0.2%	0.5%
Asian and Pacific Islander languages	3.1%	9.5%	7.4%	11.3%	0%	4.8%	0%	1.7%	5.4%
Speak English less than "very well"	1.5%	4%	2.7%	5.1%	0%	2%	0%	0.8%	1.9%
Other languages	0.8%	1%	1.5%	0.7%	0%	0.4%	0%	1.6%	0.7%
Speak English less than "very well"	0.2%	0.3%	0.6%	0.2%	0%	0.1%	0%	0.5%	0.2%

Source: American Community Survey, 2010-2014, Table DP-03. Shaded cells indicate languages spoke at home with shares greater than that of either the United States or Contra Costa County.

LANGUAGE SPOKEN AT HOME San Joaquin County						
	United States	San Joaquin County	City of Lathrop	City of Manteca	City of Stockton	City of Tracy
Population 5 years and over	283,833,852	647,722	17,624	64,824	273,171	77,897
English only	79.9%	60%	51.7%	71.4%	54.4%	59.8%
Language other than English	20.1%	40%	48.3%	28.6%	45.6%	40.2%
Speak English less than "very well"	8.7%	18.1%	18.1%	11.4%	21.5%	15.6%
Spanish	12.5%	26.1%	29.1%	20.7%	27%	23.8%
Speak English less than "very well"	5.8%	11.8%	10.8%	8%	12.3%	9.7%
Other Indo-European languages	3.7%	4.6%	5.6%	4.5%	3.2%	8.3%
Speak English less than "very well"	1.2%	1.7%	1.6%	2.1%	1.2%	2.7%
Asian and Pacific Islander languages	3.1%	8.9%	12.6%	3.1%	14.8%	7.3%
Speak English less than "very well"	1.5%	4.4%	5.5%	1.2%	7.9%	2.9%
Other languages	0.8%	0.5%	0.9%	0.3%	0.5%	0.8%
Speak English less than "very well"	0.2%	0.2%	0.2%	0.1%	0.1%	0.3%

Source: American Community Survey, 2010-2014, Table DP-03. Shaded cells indicate languages spoke at home with shares greater than that of either the United States or San Joaquin County.

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LANGUAGE SPOKEN AT HOME Yolo County				
	United States	Yolo County	Clarksburg	City of West Sacramento
Population 5 years and over	283,833,852	192,020	1,097	46,179
English only	79.9%	65%	66.5%	63.6%
Language other than English	20.1%	35%	33.5%	36.4%
Speak English less than "very well"	8.7%	15.1%	16.4%	18.2%
Spanish	12.5%	21%	32.8%	18.6%
Speak English less than "very well"	5.8%	9.5%	16.4%	9.4%
Other Indo-European languages	3.7%	6%	0%	12.3%
Speak English less than "very well"	1.2%	2.3%	0%	6.5%
Asian and Pacific Islander languages	3.1%	7.3%	0.9%	5.2%
Speak English less than "very well"	1.5%	3.2%	0%	2.2%
Other languages	0.8%	0.7%	0%	0.3%
Speak English less than "very well"	0.2%	0.2%	0%	0.1%

Source: American Community Survey, 2010-2014, Table DP-03. Shaded cells indicate languages spoke at home with shares greater than that of either the United States or Yolo County.

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Beneficial Uses

Delta EJ communities beneficially use water in ways both recognized and yet-to-be recognized by SWRCB.

- Recognized beneficial uses (2006 Bay-Delta WQCP):
 - Municipal
 - Domestic
 - Agriculture
 - Groundwater recharge
 - Navigation
 - Recreation (contact and non-contact)
 - Shellfish harvesting
 - Commercial and sportfishing
 - Fresh water habitat (warm and cold)
 - Migration
 - Spawning, etc.
 - Listed species and wildlife habitat

Beneficial Uses

Delta EJ communities beneficially use water in ways both recognized and yet-to-be recognized by SWRCB.

- Beneficial uses of water under consideration by SWRCB:
 - Tribal and cultural purposes
 - Tribal subsistence fishing
 - Subsistence fishing uses by other social groups

Other Distress

Delta EJ residents live in quantifiably distressed areas.

Figure 16. The most distressed and most prosperous of the 100 largest U.S. cities

MOST DISTRESSED LARGE CITIES			MOST PROSPEROUS LARGE CITIES		
City	Distress Score	% of Pop. in Distressed Zips	City	Distress Score	% of Pop. in Distressed Zips
Cleveland, OH	99.9	76.8%	Gilbert, AZ	2.4	0.0%
Detroit, MI	98.9	98.9%	Plano, TX	3.9	0.0%
Newark, NJ	96.7	72.3%	Irvine, CA	6.5	0.0%
Toledo, OH	96.4	44.2%	Fremont, CA	9.7	0.0%
San Bernardino, CA	95.3	58.4%	Chandler, AZ	11.4	0.0%
Stockton, CA	95.2	70.2%	Arlington, VA	11.8	0.4%
Milwaukee, WI	95.0	53.9%	Anchorage, AK	21.3	0.0%
Buffalo, NY	94.5	60.4%	San Francisco, CA	21.5	0.4%
Memphis, TN	93.7	66.6%	Henderson, NV	24.2	0.0%
Cincinnati, OH	93.6	48.5%	San Jose, CA	24.4	0.0%

Other Distress

Signs of Distress

- Adults with no high school degree.
- Housing vacancy rates.
- Adults not working.
- Median income ratio.
- Employment growth (or decline).
- Business growth (or decline).

Other Distress

Signs of Distress

- Food deserts amid abundant agriculture.
- High rates of obesity and other metabolic disease risks.

Prospects & Threats

Stockton's Prospects

“Recent years have seen substantial economic growth and recovery in the Stockton and Fresno MSAs to the surprise of many. As its largest city, Stockton, fell into bankruptcy in 2012 many predicted doom and stagnation for the Stockton MSA (San Joaquin County). Instead, the Stockton MSA is in the process of posting its 4th consecutive year of job growth above 3%.... Most of this expansion has been in the southern half of San Joaquin County (i.e. Tracy, Lathrop, Manteca) but it has also provided an employment and economic boost to Stockton city residents. The economic gains are especially impressive since the devastated residential construction industry has only begun to recover and remains one-fourth its pre-recession size as housing demand and costs rise. There is substantial room for additional growth and we project the Stockton MSA will lead Northern California in job growth in 2016 and 2017 before slowing down.”

RTD-216, p. 7

Prospects & Threats

Low-income Stockton community water demand (municipal and domestic beneficial uses) is about 15,775 acre-feet now and city water purveyors expect that to grow to 18,500 acre-feet by 2040.

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Prospects & Threats

Threats to Stockton's drinking water and to its EJ communities:

- Degraded Delta surface water quality (Stockton's municipal intake)
- Degraded surface water quality intrusion into groundwater
- Rising cost of water in Stockton

Prospects & Threats

Threats to Delta subsistence fishing uses

- Risk of increased contaminants in Delta sediments taken up by fish.
 - Mercury
 - Pesticides
 - Selenium
 - Others?

Prospects & Threats

- Risk factors of more frequent and longer lasting harmful algal blooms.
 - Increased residence time.
 - Increased salinity in Delta channels.
- Human and fish health risks (e.g., Microcystin from *Microcystis*)
 - Liver, skin disease in humans.
 - Bioaccumulation of toxins in other species consumed by humans.
 - Hypoxic or anoxic conditions due to algal bloom growth.